

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36424

STATE OF IDAHO,)	2010 Unpublished Opinion No. 310
)	
Plaintiff-Respondent,)	Filed: January 11, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
VIRGIL LEE HAASE,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Gooding County. Hon. R. Barry Wood, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Virgil Lee Haase pled guilty to felony domestic violence. Idaho Code § 18-918(1)(b), (2)(b). The district court sentenced Haase to unified ten-year sentence with five years determinate. Haase filed an Idaho Criminal Rule 35 motion, which the district court denied. Haase appeals asserting that the district court abused its discretion in denying his I.C.R. 35 motion.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of

new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Haase's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Haase's Rule 35 motion is affirmed.